

CIVIL COVER SHEET

11 CV 6474

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS	DEFENDANTS
Colson H. Hillier, Jr., Colson H. Hillier, Jr. Rollover IRA, and Patricia M. Hillier	Bernard L. Madoff Investment Securities, LLC
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)	ATTORNEYS (IF KNOWN)
Jacobs Scholz & Associates, P.A., 961687 Gateway Blvd., Suite 201-I, Fernandina Beach, FL 32034 (904) 261-3693	Attorneys for Trustee: Baker Hostetler LLP 45 Rockefeller Plaza, NY NY 10111 (212) 589-4200

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Judge Previously Assigned <input type="checkbox"/> Cotes
If yes, was this case Vol. <input type="checkbox"/> Invol. <input type="checkbox"/> Dismissed. No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If yes, give date _____ & Case No. _____

(PLACE AN <input checked="" type="checkbox"/> IN ONE BOX ONLY)	NATURE OF SUIT
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ACTIONS UNDER STATUTES			
TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 422 APPEAL 28 USC 158
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 423 WITHDRAWAL 28 USC 157
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 369 OTHER PERSONAL PROPERTY	
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE LIABILITY	[] 630 LIQUOR LAWS	
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 640 RR & TRUCK	
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 650 AIRLINE REGS	[] 820 COPYRIGHTS
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 830 PATENT
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 690 OTHER	[] 840 TRADEMARK
[] 180 OTHER CONTRACT LIABILITY			
[] 195 CONTRACT PRODUCT LIABILITY			
[] 196 FRANCHISE	ACTIONS UNDER STATUTES		
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	
[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 400 STATE REAPPORTIONMENT
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	[] 515 20 USC 2255	[] 410 ANTITRUST
[] 230 RENT LEASE & EJECTION	[] 443 HOUSING/ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 430 BANKS & BANKING
[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 450 COMMERCE
[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER	[] 460 DEPORTATION
[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
	[] 440 OTHER CIVIL RIGHTS	[] 555 PRISON CONDITION	[] 480 CONSUMER CREDIT
		[] 465 OTHER IMMIGRATION ACTIONS	[] 490 CABLE/SATELLITE TV
			[] 810 SELECTIVE SERVICE
			[] 850 SECURITIES/COMMODITIES/EXCHANGE
			[] 875 CUSTOMER CHALLENGE
			[] 881 AGRICULTURAL ACTS
			[] 882 ECONOMIC STABILIZATION ACT
			[] 893 ENVIRONMENTAL MATTERS
			[] 894 ENERGY ALLOCATION ACT
			[] 895 FREEDOM OF INFORMATION ACT
			[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
			[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____ 11-CV-5683

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2a. Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
| <input type="checkbox"/> 2b. Removed from State Court AND at least one party is pro se. | | | | | | |

(PLACE AN x IN ONE BOX ONLY)

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION
(U.S. NOT A PARTY) | <input type="checkbox"/> 4 DIVERSITY |
|---|---|--|--------------------------------------|

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1 DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3 DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5 DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Jacobs Scholz & Associates, LLC
Arthur I. Jacobs
Richard J. Scholz
961687 Gateway Blvd., Suite 201-I
Fernandina Beach, FL 32034
(904) 261-3693
Attorneys for Appellants Colson H. Hillier, Jr.; Colson H. Hillier, Jr. Rollover IRA; and Patricia M. Hillier



DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Appellee: Irving H. Picard, as Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC
Baker& Hostetler, LLP
45 Rockefeller Plaza
New York, NY 10111 (NY County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 08/26/11 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

NO

YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code # FL Bar 108249

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)